




U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

TAWANA C. MARSHALL, CLERK
THE DATE OF ENTRY IS
ON THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed December 6, 2013


United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

IN RE:

ROBERTO TIJERINA AND CARMAN TIJERINA

Debtors.

§
§
§
§
§

Case No. 12-10346-RLJ-13

Hearing Date: December 4, 2013

Hearing Time: 11:00 a.m.

AGREED ORDER MODIFYING AUTOMATIC STAY

ON THIS DAY the Court has been informed that the Debtors and Green Tree Servicing LLC ("Green Tree") have agreed to the following:

1. That Green Tree services the loan secured by the first lien on Debtors' Real Property more particularly described in the Deed of Trust as: ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN TAYLOR COUNTY, TEXAS, AND BEING LOT NO. SIXTEEN (16) IN BLOCK NO. THIRTY-FOUR (34) IN ARTHUR SEARSPARK, AN ADDITION TO THE CITY OF ABILENE, TEXAS and more commonly described as: 2010 Graham St., Abilene, Texas 79603 (the "Collateral").

2. That on October 30, 2013, Green Tree filed its Motion to Lift Automatic Stay, because Debtors had defaulted on post-petition contract obligations.

3. That at the present time the Collateral is necessary for Debtors' reorganization.

4. That as of November 25, 2013, Debtors were behind \$510.73 in post-petition payments and insurance ("Arrearages"). Debtors agree to pay for Green Tree's Attorney Fees of \$400.00 and court costs of \$176.00 incurred as a result of the Motion to Lift Stay. Debtors will bring current the Arrearages and the Attorneys Fees by making six (6) equal payments of \$181.12 beginning December 19, 2013, and continuing

on the 19th of each month thereafter, in addition to the regular monthly post-petition payments.

5. That Debtors will timely make each future post-petition payment by delivering the funds to Green Tree on or before the due date beginning with the December 5, 2013 installment. All mailed payments are to be forwarded to Green Tree's Payment Servicing Center, P.O. Box 94710, Palatine, Illinois 60094-4710.

6. That Debtors will maintain physical property damage insurance coverage on the Collateral as required by the contract relating to it in an amount equal to at least the balance of the indebtedness owed at all times.

7. That the Stay will automatically lift without further order of this Court upon conversion to Chapter 7 case, or if Debtors fail(s) to cure the Arrearages or to cure defaults on future insurance or contractual obligations or Chapter 13 Plan payments to the Trustee or any of the above Stipulations agreed to herein within ten (10) days after Green Tree has sent notice of such default via Certified Mail and Regular Mail to Debtors and Regular Mail Debtors' Attorney.

8. Green Tree will be required to give only two (2) such default notices. After two such notices have been given the stay will lift automatically upon default without a right to cure upon Debtors' third default. Upon such termination, Green Tree shall file a Notice Lifting Automatic Stay with the court.

9. That the terms of this Agreed Order will be incorporated into the Debtors' Chapter 13 Plan and/or Confirmation Order directly or by reference and shall withstand Confirmation of the Chapter 13 Plan.

10. That in the event the Automatic Stay is lifted pursuant to this Order, Green Tree may contact the Debtors directly to determine the Debtors' intention with respect to the Collateral, and if an agreement has not been reached with the Debtors, Green Tree shall be entitled to all writs and processes necessary for the enforcement of this Order, including the repossession and/or foreclosure of and liquidation of same, but not limited to, a Writ of Execution or Assistance otherwise imposed by Fed.R.Civ.P. 70 or in its sole discretion, Green Tree file a lawsuit in State Court for possession of the Collateral.

IT IS, THEREFORE ORDERED, ADJUDGED AND DECREED that the automatic stay is modified as set forth above.

IT IS FURTHER ORDERED, that if the Automatic Stay shall Lift pursuant to the terms of this Order, the stay period otherwise imposed by Fed.R.Bankr.P. 4001(3) shall not be applicable to this Order.

IT IS SO ORDERED.

###END ORDER###

AGREED TO:

HIGIER ALLEN & LAUTIN, P.C.

By: Richard A. McKinney with P/L

Richard A. McKinney
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ATTORNEYS FOR GREEN TREE SERVICING LLC

Phil Black
~~Pamela Jean Chaney~~ Phil Black from
Monte J. White & Associates, P.C.
402 Cypress, Suite 310, 1290 S. Willis, Ste 125
Abilene, TX 79601 79605

ATTORNEY FOR DEBTORS

/s/ Marc McBeath

Walter O'Cheskey

CHAPTER 13 TRUSTEE

Prepared by:

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ATTORNEYS FOR GREEN TREE SERVICING LLC

United States Bankruptcy Court
Northern District of Texas

In re:
Roberto Ayala Tijerina
Carman Luna Tijerina
Debtors

Case No. 12-10346-rlj
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0539-1

User: khyden
Form ID: pdf012

Page 1 of 1
Total Noticed: 1

Date Rcvd: Dec 09, 2013

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 11, 2013.

NO NOTICES MAILED.

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
cr E-mail/Text: bankruptcy.bnc@gt-cs.com Dec 09 2013 22:13:06 Green Tree Servicing LLC,
PO Box 6154, Rapid City, SD 57709-6154

TOTAL: 1

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 11, 2013

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 6, 2013 at the address(es) listed below:

Lee Gordon on behalf of Creditor Taylor CAD kmorriss@mvalaw.com;othercourts@mvalaw.com
Pamela Jean Chaney on behalf of Joint Debtor Carman Luna Tijerina legal@montejwhite.com
Pamela Jean Chaney on behalf of Debtor Roberto Ayala Tijerina legal@montejwhite.com
Richard A. McKinney on behalf of Creditor Green Tree Servicing LLC rmckinney@higierallen.com
United States Trustee ustpreion06.da.ecf@usdoj.gov, albert.loftus@usdoj.gov
Walter 12,13 OCheskey cmecf@ch13-12westtexas.org, ecfcx@ost-wtx.org,ost.cmecf@gmail.com

TOTAL: 6